

DOE ORDER #



EG&G ROCKY FLATS

EG&G ROCKY FLATS, INC.

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March 31, 1994

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IN REPLY TO AFP CC NO.:

CDH CTR 3/30/94

ACTION ITEM STATUS
☐ PARTIAL OPEN

☐ PARTIAL OPEN

☐ CLOSED

LTR APPROVALS:

ORIG & TYPIST INITIALS

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Jessie M. Roberson
Acting Assistant Manager for
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DOE, RFO

RESPONSE TO COLORADO DEPARTMENT OF HEALTH LETTER DATED MARCH 29, 1994
REGARDING INVESTIGATION-DERIVED MATERIAL (IDM) MANAGEMENT - SGS-218-94

The Colorado Department of Health (CDH), Hazardous Materials and Waste Management Division (Division), issued a letter to the Department of Energy (DOE) and EG&G, Rocky Flats Inc., (EG&G) on March 29, 1994, outlining reasons why the Division will not approve the procedure on Disposition of Soil and Sediment Investigation-Derived Materials, 4-H46-ENV-OPS-FO.29 (FO.29) in its present form. Each issue outlined in the letter had been previously brought to the attention of EG&G and DOE by the Division. EG&G had discussed each issue with DOE and prepared FO.29 in accordance with direction from DOE. EG&G is prepared to comply with the State's requirements, as referenced in the above letter by the June 1, 1994, deadline. However, if DOE elects a different interpretation from the Division, EG&G will provide appropriate support for DOE's efforts to negotiate that with the regulators. In that event, however, it must be clear that EG&G is acting on written direction from the contracting officer.

On March 30, 1994, DOE verbally directed EG&G, via Judith Stewart of KMI, to incorporate into FO.29 the risk protocols and methodologies delineated in the CDH November 16, 1993, "Interim Final Policy and Guidance on Risk Assessments for Corrective Action at RCRA Facilities" (Policy). DOE made it clear that the Policy would only be used for the backlog of drums containing IDM. By incorporating the Policy into FO.29, the CDH comments on risk evaluation methodology and risk based IDM management criteria should be satisfied. It should be noted that the CDH letter clearly states that by not fully incorporating the Policy, (particularly, the 10^{-6} risk level), CDH will base IDM compliance on detection limits and background for listed hazardous waste constituents. To that end, we are concerned that any requests to CDH for an extension beyond June 1, 1994, to achieve a RCRA complaint state would be negatively received.

It is EG&G's understanding that FO.29 can be revised to address the CDH comments on the proposed background comparison criteria and the "RCRA Constituents of Concern/IDM Constituents of Concern" lists used in FO.29. The background comparison criteria used in FO.29 is based on the background comparison criteria in the agency approved FO.23. It is CDH's position that since much of the work in characterizing the IDM has already been accomplished using the criteria in FO.23, that it would be acceptable to continue using the existing criteria for the backlog of drums.

CDH has also indicated that the RCRA Constituents of Concern List in FO.29 is inadequate because there are RCRA listed wastes on the IDM Constituents of Concern list that are not on the RCRA Constituents of Concern list. Even though the RCRA listed waste is on the IDM Constituents of Concern list, it is possible that the constituent could go through FO.29 and not be managed as a RCRA waste. It is EG&G's position that the RCRA listed wastes on the IDM Constituents of Concern list be removed from that list and be added to the existing RCRA Constituents of Concern list. We believe this would satisfy CDH, but that the possibility still existed for some potential RCRA

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constituents to not be on the RCRA Constituents of Concern list in FO.29. To address this concern, EG&G suggests including provisions within FO.29 that if a constituent has been analyzed for in accordance with the agency approved workplans or field sampling plans that is not on the RCRA Constituents of Concern list, then EG&G would manually confirm whether the constituent is a RCRA listed waste.

The following two issues regarding FO.29 have been previously brought to the attention of DOE:

1. FO.29 Draft G, per DOE, states that FO.29 is an interim procedure for classifying the backlog of soil and sediment IDM generated from environmental investigations. IDM generated in the future will be classified in accordance with a modified procedure for the disposition of IDM. The modifications to this procedure will incorporate currently existing plant procedures (WSRIC) and SW-846.

The original intent of preparing FO.29, and working throughout the procedure development process with the agencies, was to have one procedure that would classify IDM generated from environmental investigations and indicate how drums containing that IDM should be managed (eg., whether in a permitted RCRA-area, manage in a non-RCRA area pending the ROD, etc.). By stating that FO.29 is an interim procedure, the original objective has not been met. EG&G does not believe that CDH would have put forth as much effort as it has for an interim policy. EG&G understands that DOE will consider using FO.29 for future IDM, if the appropriate sections of existing plant procedures are incorporated into FO.29 after the backlog of drums have been addressed. EG&G understands that the "existing plant procedure" is the WSRIC program. EG&G does not believe that incorporating sections of the WSRIC program into FO.29 is necessary because the WSRIC program does not apply to characterizing environmental media. CDH has verbally stated their disapproval of applying the WSRIC program to IDM, as well. In addition, using the WSRIC program, or SW-846, could create a situation where RCRA determinations for environmental media would be based on TCLP testing. Using TCLP testing would be very expensive and time consuming for IDM. Once CDH approves FO.29, and the radionuclide issue described below is resolved, FO.29 can be used to address the backlog IDM and any future IDM. In addition, bifurcating IDM into "backlog" and "newly generated" waste streams will substantially complicate long-term management of these materials.


2. FO.29, Draft G, does not address whether the soil and sediment IDM contains radionuclides. FO.29 as originally written compared radionuclides to background, as defined in the Background Geochemical Characterization Report (September 1993). If radionuclides were identified as being below background, the IDM would be determined to not contain radionuclides and the IDM would be further classified in accordance with FO.29. If radionuclides were above background, the IDM would be classified in accordance with FO.29 and then managed appropriately, i.e., as radionuclides only, mixed waste, etc.

DOE did not agree with the above described approach and has stated that the No-Radioactivity-Added Waste Verification Program (NRA) should be used to determine if the soil and sediment contain radionuclides. EG&G believes that the NRA program was not appropriate for determining whether IDM contains radionuclides. EG&G was able to persuade DOE of this point and DOE directed EG&G to remove all references to the NRA program from FO.29. However, DOE has provided no additional guidance on how to address radionuclides other than to state in FO.29 that "radioactivity determinations will be addressed at a later date." See letter from S. G. Stiger, 94-RF-02929, to Jessie M. Roberson.

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The effect of this DOE position is that no drums will be classified as "clean". It will be possible to remove the drums that are non-RCRA out of RCRA permitted or interim storage areas. However, these drums will still need to be managed in some manner until DOE resolves the radioactivity issues. EG&G will not be able to clearly ascertain which drums processed through FO.29 contain radionuclides only or mixed waste. In addition, once a radionuclide decision has been made, EG&G will have to recharacterize the entire population of drums containing IDM at a cost estimated to be approximately \$500,000.

If you have any questions, please call S. G. Stiger at extension 8540.


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Associate General Manager
Environmental Restoration Management
EG&G Rocky Flats, Inc.

LMB:cb

Orig. and 1 cc - J. M. Roberson

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